

REMARKS/ARGUMENTS

Claims 1, 5-9, 15, 17, 19, 21, 23 and 25-27 are currently pending in the application.

By virtue of this response, claims 1, 5, 6, 15, and 17 have been amended and claims 7-9, 21, 23, and 25-27 have been cancelled without prejudice.

Initially, Applicant wishes to thank the Examiner for the telephone interview conducted on October 16, 2007.

Initially, in response to the Examiner's objections in the Office Action, Applicant notes that dependent claim 5 has been appropriately amended. The objections to dependent claims 23, 25, and 27 are moot in view that claims 23, 25, and 27 have been appropriately cancelled without prejudice.

Claims 1 and 5-9 currently stand rejected under 35 USC Section 102(b) as being anticipated by US Patent No. 4,099,657 to Zufich. Claims 7, 8, and 15 currently stand rejected under 35 USC Section 102(b) as being anticipated by US Patent No. 5,890,640 to Thompson. Claims 15 and 17 currently stand rejected under 35 USC Section 102(b) and being anticipated by US Patent No. 1,448,918 to Drager.

These rejections are traversed and should be withdrawn in view that each of the independent claims 1, 6, and 15 have been appropriately further amended as discussed in more detail below. The rejections with respect to claims 7-9 are moot inasmuch as claims 7-9 have been cancelled without prejudice.

More specifically, independent claim 1 has been further amended to recite: 1) a pack

including a clip rather than a clip adapted for use with a pack; 2) that the pack includes opposed side panels; 3) that the central body of the clip is elongate and extends through the interior of the pack from a point adjacent the interior face of one of the side panels to a point adjacent the interior face of the other of the side panels and in a generally horizontal relationship along the bottom panel of the pack; and 4) that the opposed ends of the body of the clip protrude from within the interior of the pack through openings defined in the front panel of the pack.

Independent claim 6 has likewise been appropriately further amended to recite: 1) a pack including a clip rather than a clip adapted for use with a pack; 2) that the pack defines an interior shell comprised of a front panel, opposed side panels, and a back panel; 3) that the clip defines an arcuate central body which is elongate and extends through the interior shell and is seated against the interior face of the bottom panel of the pack in a generally horizontal relationship; and 4) that the opposed ends of the central body of the clip extend through openings in the front panel.

Independent claim 15 recites or has been appropriately further amended to recite: 1) a pack which is adapted to carry articles; 2) that the shell defines an interior defined not only by front and back panels but also a back panel and a pair of opposed side panels; 3) that the support member includes a central base and a pair of spaced-apart arms which together form a unitary piece and extend through the interior of the pack in a direction which is not only normal to the longitudinal axis of the shell but also normal to the opposed side panels of the pack; and 5) that the pack includes sleeves in communication with apertures defined in the front panel of the pack.

None of the above further amendments introduce any new matter and are all supported

in for example Figures 1-3 and Paragraphs 0039 and 0041 of the subject published patent application which depicts and describes a pack 102 including an interior shell or interior defined by a front panel 104, a back panel 106, a bottom panel 112, and opposed side panels 108 and 110.

The clip or support member 114 is comprised of an elongate central body/base 124 and a pair of arms 126 and 128 which protrude from within the interior of the pack through respective openings/apertures 105 defined in the front panel 104.

In accordance with the present invention, the elongate central body/base 124 of the clip/support member 114 extends through the interior of the pack in a relationship which can alternatively be described as: 1) from a point adjacent the interior face of the side panel 108 to a point adjacent the interior face of the opposed side panel 110 and in a generally horizontal relationship along the bottom panel of the pack (claim 1); 2) seated against the interior face of the bottom panel 112 of the pack (claim 6); or 3) extending in a direction which is normal to the direction of the opposed side panels 108 and 110 (claim 15).

None of the cited references disclose or suggest a pack including a clip with a central body/base which extends through the interior of the pack as alternatively described in further amended independent claims 1, 6, and 15.

Zufich is deficient because it discloses only a pack including a support frame 17 which is mounted on the outside of the pack structure. More specifically, no portion of the frame including no portion of the rear portion 50 extends through any portion of the interior of the pack as in the present invention where the clip and, more specifically, the central body thereof extends

through the interior of the pack (claims 1, 6, and 15) from a point adjacent the one of the side panels to a point adjacent the opposite side panel (claim 1); or seated against the interior face of the bottom panel (claim 6).

Moreover, and because no portion of the clip in Zufich extends through the interior of the pack, Zufich does not require openings/apertures in the front panel (claims 1, 6, and 15) through which the arms of the clip/support member are adapted to extend or protrude from within the interior of the pack (claims 1, 6, and 15).

With regard to Thompson, the Examiner has noted that the lower ends of each of the support rods 26 and 28 extend through the interior of the pack in a direction generally normal to the front panel of the pack. Each of the independent claims 1, 6, and 16 has been further amended to more particularly recite that it is the central body/base of the clip/support member which alternatively extends through the interior of the pack from a point adjacent one of the side panels to a point adjacent the opposite side panel (claim 1); is seated against the interior face of the bottom panel (claim 6); and extends in a direction generally normal to the side panels (claim 15).

The central portions of the support rods 26 and 28 disclosed in Thompson do not read on any of these features of the central body/base of the clip/support member of the present invention inasmuch as each of the support rods 26 and 28, and more specifically, the central portions thereof, extend in a generally vertical relationship between the top of the pack and the bottom of the pack in a direction which is generally parallel to the side panels. As described above, the clip of the present invention, and more specifically, the central body thereof extends in

a generally horizontal relationship against the bottom panel of the pack and between, and in a direction generally normal to, the side panels of the pack.

Drager is deficient because it discloses only a supporting frame for a breathing apparatus. There is no disclosure or suggestion of a pack with an interior defined by front, back, side and bottom side walls (claims 1,6, and 15) or a clip located within the interior of a pack (claims 1, 6, and 15) which has arms which protrude through openings/apertures in the front panel of the pack.

Drager is further deficient because it fails to disclose or suggest a support member where the central body and the arms together form a unitary piece. Applicant specifically notes that Drager discloses a support member where the arms are hingedly connected to the body and thus does not define a unitary member as in the present invention.

For at least the above reasons, Applicant respectfully requests the allowance of independent claims 1, 6, and 15 and each of the claims dependent thereon.

Applicant further notes that dependent claim 17 has been amended to recite that the base (i.e., central body) of the clip extends from a point adjacent one of the opposed side panels to a point adjacent the other of the opposed side panels. Claim 17 is allowable for the same reasons as independent claim 1 as described above.

Claims 21, 23, 25, and 27 currently stand rejected under 35 USC Section 102(b) as being anticipated by US Patent No. 5,419,473 to Lamar. Claim 26 currently stands rejected under 35 USC Section 103(a) as being obvious over US Patent No. 5,419,473 to Lamar in view of US Patent No. 4,782,535 to Yewer, Jr. et. al.

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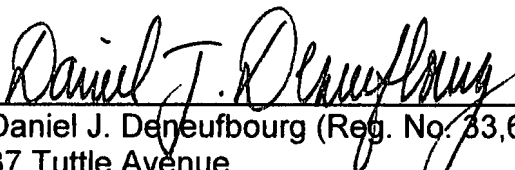
These rejections are traversed and should be withdrawn in view that claims 21, 23, and 25-27 have been appropriately cancelled without prejudice.

In view of the above, Applicant thus contends that the application is now in condition for allowance in view of the amendments and remarks above. Thus, the allowance of claims 1, 5, 6, 15, 17, and 19 and the passing of this application to issue are now respectfully requested.

Respectfully submitted,

Date: October 20, 2007

By

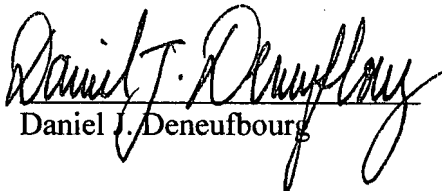

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The undersigned hereby certifies that the foregoing AMENDMENT AND RESPONSE UNDER RULE 116 is being deposited with the United States Postal Service via Express Mail service (Express Mail Label No. EB 466277872 US) in an envelope addressed to Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this 20th day of October, 2007.


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